

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FTCA Flint Water Cases

Civil No. 4:17-cv-11218
(Consolidated)

This Motion Relates to:
ALL CASES

Linda V. Parker
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

**PLAINTIFFS' BRIEF IN OPPOSITION TO
DEFENDANT'S MOTION TO SEAL**

The Defendant has filed a motion to seal documents in which it seeks to attach documents as exhibits to its response to Plaintiffs' Motion for Protective Order. The Plaintiffs were forced to seek a protective order because the Defendant was attempting to discover the underlying facts of a situation which led to SJ, a bellwether plaintiff in this case entering a HYTA plea. During SJ's deposition, the Defendant attempted to ask questions about the circumstances that led to the HYTA plea. Plaintiffs' counsel refused to allow SJ to respond to those inquiries and filed a motion for protective order with this court. In that motion, Plaintiffs have argued that the provisions and purpose of HYTA prohibit the disclosure of any facts of the underlying allegations which led to the HYTA plea.

In its opposition to Plaintiffs' motion, Defendant seeks to attach as exhibits an unredacted version of the disciplinary school record and full deposition of SJ, albeit under seal. Plaintiffs oppose that request. The documents are not needed to resolve the motion for protective order. Although Defendant claims that the documents will aid the Court in resolving the motion, no explanation as to how the documents would be needed for the Court's consideration is provided. In fact, the proposed exhibits contain no information needed to resolve the contours of HYTA, a legal analysis wholly unconnected and unrelated to the specifics redacted from the document about which the Defendant sought to solicit testimony. Nothing contained in those documents will impact the court's consideration of the specific issue before the Court. Therefore, the exhibits should not be included in the pleadings, under seal or otherwise.

Respectfully submitted,

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Dated: July 28, 2023

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was filed with the U.S. District Court through the ECF filing system and that all parties to the above cause was served via the ECF filing system on July 28, 2023.

Signature: /s/ Regina Bell
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